

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

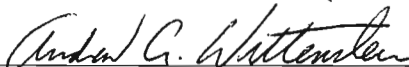
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|---|---|----------------------------|
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| ALICE KRAMER, as Personal Representative of the | : | Civil Action No.           |
| Estate of Arthur Kramer,                        | : | 08 CV 2429 (DAB)(MHD)      |
|   | : |                            |
| Plaintiff,                                      | : | ECF Case                   |
|   | : |                            |
| – against –                                     | : | <b>NOTICE OF MOTION</b>    |
|   | : | <b><u>BY PLAINTIFF</u></b> |
| LOCKWOOD PENSION SERVICES, INC., TALL           | : |                            |
| TREE ADVISORS, INC., LIFE PRODUCTS              | : |                            |
| CLEARING, LLC, TRANSAMERICA                     | : |                            |
| OCCIDENTAL LIFE INSURANCE CO., PHOENIX          | : |                            |
| LIFE INSURANCE CO., LINCOLN LIFE &              | : |                            |
| ANNUITY CO. OF NEW YORK AND                     | : |                            |
| JONATHAN S. BERCK,                              | : |                            |
|   | : |                            |
| Defendants.                                     | : |                            |
| <hr/>   |   |                            |
| Various Third-Party Actions                     | : |                            |
| <hr/>   |   |                            |

PLEASE TAKE NOTICE that upon the accompanying (i) Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Memorandum of Law in Support of Their Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Life Product Clearing LLC in its Counterclaims and Third-Party Complaint, and (ii) Affidavit of Stuart I. Friedman in Support of Plaintiff's and Third-Party Defendants Liza Kramer and Andrew B. Kramer's Motion to Dismiss the Tortious Interference Claims Asserted by Defendant Life Product Clearing LLC in its Counterclaims and Third-Party Complaint, sworn to on July 31, 2008, with exhibits attached thereto, Plaintiff Alice Kramer, as Personal Representative of the Estate of Arthur Kramer, will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing Defendant Life Product Clearing LLC's

Counterclaim for Tortious Interference with Contractual Relations, asserted in the  
Answer to Amended Complaint with Counterclaims and Cross-Claims, with prejudice.

Dated: New York, New York  
August 1, 2008

FRIEDMAN & WITTENSTEIN  
A Professional Corporation

By:   
Stuart I. Friedman (SF-9186)  
Andrew A. Wittenstein (AW-1943)  
Claire L. Chau (CC-0125)

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*Attorneys for Plaintiff and Third-  
Party Defendants Liza Kramer and  
Andrew B. Kramer*